

In re Application of: Donald J. McMichael, et al.

Serial No.: 10/085,417

Filed: February 28, 2002

Confirmation No.: 3208

Title: Surgical Kit for "Push" Type Percutaneous Endoscopic  
Gastrostomy Procedures

Group Art Unit: 5728

Examiner: Luan Kim Bui

Our Account No.: 04-1403

Our Customer No.: 22827



Commissioner for Patents  
U.S. Patent and Trademark Office  
Post Office Box 1450  
Alexandria, VA 22313-1450

### AMENDMENT

This is an Amendment in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is to be treated as the signature to the attachment in absence of a signature thereto.

Fee requirements (if any) have been calculated as shown below:

	Claims remaining after amendment	Highest number previously paid for	Present Extra		Additional Fee
Total Effective Claims	21	21	= 0	X \$18 =	\$ .00
Independent Claims	7	5	= 2	x \$86 =	\$ 172.00
If amendment enters <u>proper</u> multiple dependent claim(s) into this application for <u>first</u> time, add \$290.00 (per application)					\$ .00
Since Official Action set an <u>original</u> due date of _____, <b>PETITION</b> is hereby made for an extension to cover the date this response is filed for which the requisite fee is enclosed (1 month \$110; 2 months \$420; 3 months \$950; 4 months \$1480)\$					
If Terminal Disclaimer enclosed, add Rule 20(d) Official Fee (\$110.00)					\$ 172.00
<b>SUBTOTAL:</b>					\$ 172.00
If "small entity" verified statement filed [ ] previously, [ ] herewith, enter one-half (1/2) of subtotal and <u>subtract</u>					\$ .00
<b>TOTAL:</b>					\$ 172.00
Other: <u>Request for Continued Examination (RCE)</u>					\$ 770.00
<b>TOTAL FEE ENCLOSED:</b>					\$ 942.00

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This statement does not authorize charge of the issue fee in this case.

ADDRESS:  
Post Office Box 1449  
Greenville, South Carolina 29602  
Telephone: 864-271-1592  
Facsimile: 864-233-7342

**DORITY & MANNING**  
ATTORNEYS AT LAW, P.A.

By: Neal P. Pierotti Reg. No: 45,716 Date: June 28, 2004.

Signature: Neal P. Pierotti

I hereby certify that this correspondence and any referenced attachment and fee are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, Post Office Box 1450, Alexandria, VA 22313-1450, on June 28, 2004.

Denise Bulkeley

(Typed or printed name of person mailing paper or fee)

Denise Bulkeley  
(Signature of person mailing paper or fee)



RCE 3728  
D&M 8/03  
4/1/04

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request  
for  
Continued Examination (RCE)  
Transmittal**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/085,417
Filing Date	February 28, 2002
First Named Inventor	Donald J. McMichael, et al.
Art Unit	3728
Examiner Name	Luan Kim Bui
Attorney Docket Number	KCX-518D (17507D)

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_
- ii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, or credit any overpayments, to  
a. ☒ Deposit Account No. **04-1403**

- i. ☒ RCE fee required under 37 CFR 1.17(e) **07/02/2004 AMONDAF1 00000034 10085417**
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) **01 FC:1801 770.00 OP**  
**02 FC:1201 172.00 OP**
- iii. ☐ Other \_\_\_\_\_

- b. ☒ Check in the amount of \$ **770.00** enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Neal P. Pierotti	Registration No. (Attorney/Agent)	45,716
Signature	<i>Neal P. Pierotti</i>	Date	June 28, 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Denise Bulkeley	Date	June 28, 2004
Signature	<i>Denise Bulkeley</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



ATTORNEY DOCKET NO.: KCX-518D (17507D)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
Donald J. McMichael, et al.	)	
	)	Examiner: Luan Kim Bui
Serial No.: 10/085,417	)	
	)	Art Unit: 3728
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	)	Our Account No.: 04-1403
Filed: February 28, 2002	)	
	)	Our Customer No.: 22827
For: Surgical Kit for "Push" type	)	
Percutaneous Endoscopic	)	
Gastrostomy Procedures	)	

**Amendment**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants are filing a Request for Continued Examination (RCE) in order to have the enclosed Amendment considered in the present case. The present Amendment is in Response to the Office Action mailed April 27, 2004, in the above-captioned application. Please enter the following Amendment: